



# House of Representatives

General Assembly

**File No. 63**

February Session, 2004

Substitute House Bill No. 5408

*House of Representatives, March 15, 2004*

The Committee on Public Health reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING FOOD ALLERGIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-36a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) The Commissioner of Public Health shall adopt regulations, in  
4 accordance with the provisions of chapter 54, to assure that food  
5 service establishments employ as food operators persons who have a  
6 knowledge of safe food handling techniques and to set requirements  
7 for the employment of food operators by such establishments. Such  
8 regulations shall include, but not be limited to, responsibilities of food  
9 service establishments and their employees, exemptions for certain  
10 classes of food establishments and responsibilities of local health  
11 departments in monitoring compliance of food establishments.

12 (b) The Commissioner of Public Health shall adopt regulations, in  
13 accordance with the provisions of chapter 54, requiring all food service

14 establishments to (1) have a person available when the food service  
15 establishment is serving food, who is able to answer consumer  
16 inquiries about food ingredients, and (2) list on the menu the  
17 ingredients in each food item served by the food service establishment  
18 or include a statement on the menu that a complete ingredient list is  
19 available upon request. For purposes of complying with the provisions  
20 of this section, it shall not be sufficient to state that all or substantially  
21 all of the food products served may contain allergens.

This act shall take effect as follows:	
Section 1	October 1, 2004

**PH**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Public Health	GF - Cost	None	up to \$53,050
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	None	up to \$10,530
Various State Agencies	Various - Cost	Potential	Potential

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	STATE MANDATE - Cost	Potential	Potential
Various Municipalities	Revenue Gain	Potential	Potential

### **Explanation**

It is anticipated that the Department of Public Health (DPH) will be able to adopt the required regulations within its anticipated budgetary resources. It is likely that the regulations would not be finalized before FY 06. Subsequent to their adoption, a first-year state cost of up to \$63,580 will result. This reflects DPH costs of \$53,050 to support one Environmental Sanitarian (at an annual salary of \$52,050), one-time equipment expenses of \$1,000 and \$10,530 in fringe benefits costs<sup>1</sup>.

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 45.82%, effective July 1, 2003. However, first year fringe benefit costs for new positions do not include pension costs - lowering the rate to 20.23%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

Actual costs would be less than this amount if the regulations have not been finalized by July 1, 2005. In subsequent fiscal years an annual cost of \$75,900 would result (\$52,050 DPH; \$23,850 fringe benefits).

The new position will be needed to train local health inspectors, educate the food service industry and oversee enforcement actions undertaken by local health authorities. DPH currently employs three professional and one clerical staff in its Food Protection Program. There are approximately 15,000 food service establishments in Connecticut.

Passage of this bill will expand the duties of local health departments and districts, since their mandated responsibilities include the enforcement of the state's public health code. Additional costs may be incurred in the course of training staff in the requirements of the regulations, monitoring compliance and responding to complaints. Those communities having locally established fines may receive additional revenues to the extent that penalties are imposed for non-compliance.

State and municipal entities that operate food service establishments (e.g., schools, state-operated residential facilities) will potentially incur costs to compile ingredient lists. Additional costs may be experienced to have qualified staff working at all times when food is served to respond to questions.

**OLR Bill Analysis**

sHB 5408

***AN ACT CONCERNING FOOD ALLERGIES*****SUMMARY:**

This bill requires the public health commissioner to adopt regulations requiring food establishments to (1) have someone available when food is served to answer consumer questions about food ingredients and (2) list on the menu the ingredients in each food item served or include a statement on the menu that a complete ingredient list is available upon request. The bill specifies that it is not sufficient for the food establishment to state that all or most of the food products served may contain allergens.

EFFECTIVE DATE: October 1, 2004

**BACKGROUND*****Food Service Establishment***

The Public Health Code defines a “food service establishment” as any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. It includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food (DPH Regs. § 19-13-B42).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 12      Nay 10